

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RAYMOND LAMONT BELL,

Petitioner,

v.

JEFFEREY PERKINS,

Respondent.

CASE NO. 2:24-cv-01592-JCC-GJL

ORDER SUBSTITUTING  
RESPONDENT AND FOR  
SERVICE AND ANSWER, § 2254  
PETITION

This is a federal habeas action filed under 28 U.S.C. § 2254. Petitioner is currently incarcerated at the Washington Corrections Center (“WCC”) and is subject to the Court’s Prisoner E-Filing Initiative pursuant to General Order 06-16. The Court, having reviewed Petitioner’s federal habeas Petition, hereby finds and **ORDERS** as follows:

(1) Substitution of Respondent

The proper respondent to a habeas petition is the “person who has custody over [the petitioner].” 28 U.S.C. § 2242; see also § 2243; *Brittingham v. United States*, 982 F.2d 378 (9th Cir. 1992); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). Petitioner named the Jeffery Perkins—the Superintendent of Coyote Ridge Correctional Complex (“CRCC”)—as Respondent in this action. Dkt. 1. Shortly after he initiated this action, Petitioner was transferred from CRCC

1 to WCC. *See* Dkt. 4. The Superintendent of WCC is Dean Mason. The Clerk of Court is  
2 therefore **DIRECTED** to **SUBSTITUTE** Dean Mason as the Respondent in this action and to  
3 **UPDATE** the case title accordingly.

4 (2) Service

5 The Clerk shall arrange for service, by e-mail upon Respondent and upon the Attorney  
6 General of the State of Washington, of copies of: the Petition, any other documents filed in  
7 support of the Petition, and this Order. The Clerk shall also direct a copy of this Order and of the  
8 Court's *pro se* instruction sheet to Petitioner.

9 (3) Answer

10 Within ***forty-five (45) days*** after such service, Respondent(s) shall file and serve an  
11 answer in accordance with Rule 5 of the Rules Governing Section 2254 Cases in United States  
12 District Courts. As part of such answer, Respondent(s) shall state whether Petitioner has  
13 exhausted available state remedies and whether an evidentiary hearing is necessary.  
14 Respondent(s) shall not file a dispositive motion in place of an answer without first showing  
15 cause as to why an answer is inadequate. Respondent(s) shall file the answer with the Clerk of  
16 the Court and serve a copy of the answer on Petitioner.

17 The answer will be treated in accordance with LCR 7. Accordingly, on the face of the  
18 answer, Respondent(s) shall note it for consideration no earlier than 28 days after filing.  
19 Petitioner may file and serve a response not later than 21 days after the filing date of the answer,  
20 and Respondent(s) may file and serve a reply not later than 28 days after the filing date of the  
21 answer.

22 (4) Filing by Parties, Generally

23 All attorneys admitted to practice before this Court are required to file documents  
24 electronically via the Court's CM/ECF system. Petitioner shall file all documents electronically.

1 All filings must indicate in the upper right-hand corner the name of the United States Magistrate  
2 Judge to whom the document is directed.

3 Any document filed with the Court must be accompanied by proof that it has been served  
4 upon all parties that have entered a notice of appearance in the underlying matter. Petitioner shall  
5 indicate the date the document is submitted for e-filing as the date of service.

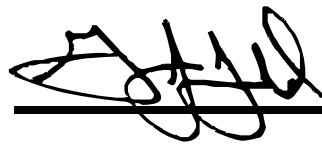
6 (5) Motions

7 Any request for court action shall be set forth in a motion, properly filed and served.  
8 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a  
9 part of the motion itself and not in a separate document. The motion shall include in its caption  
10 (immediately below the title of the motion) a designation of the date the motion is to be noted for  
11 consideration on the Court's motion calendar.

12 (6) Direct Communications with District Judge or Magistrate Judge

13 No direct communication is to take place with the District Judge or Magistrate Judge with  
14 regard to this case. All relevant information and papers are to be directed to the Clerk.

15 Dated this 4th day of October, 2024.

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18 Grady J. Leupold  
19 United States Magistrate Judge  
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